

Conference Engrossed

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CHAPTER 316

SENATE BILL 1180

AN ACT

AMENDING SECTIONS 15-341 AND 15-342, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce policies and procedures for the governance
7 of the schools, not inconsistent with law or rules prescribed by the state
8 board of education.

9 2. Maintain the schools established by it for the attendance of each
10 pupil for a period of not less than one hundred seventy-five school days or
11 two hundred school days, as applicable, or its equivalent as approved by the
12 superintendent of public instruction for a school district operating on a
13 year-round operation basis, to offer an educational program on the basis of
14 a four day school week or to offer an alternative kindergarten program on the
15 basis of a three day school week, in each school year, and if the funds of
16 the district are sufficient, for a longer period, and as far as practicable
17 with equal rights and privileges.

18 3. Exclude from schools all books, publications, papers or
19 audiovisual materials of a sectarian, partisan or denominational character.

20 4. Manage and control the school property within its district.

21 5. Acquire school furniture, apparatus, equipment, library books and
22 supplies for the use of the schools.

23 6. Prescribe the curricula and criteria for the promotion and
24 graduation of pupils as provided in sections 15-701 and 15-701.01.

25 7. Furnish, repair and insure, at full insurable value, the school
26 property of the district.

27 8. Construct school buildings on approval by a vote of the district
28 electors.

29 9. Make in the name of the district conveyances of property belonging
30 to the district and sold by the board.

31 10. Purchase school sites when authorized by a vote of the district at
32 an election conducted as nearly as practicable in the same manner as the
33 election provided in section 15-481 and held on a date prescribed in section
34 15-491, subsection E, but such authorization shall not necessarily specify
35 the site to be purchased and such authorization shall not be necessary to
36 exchange unimproved property as provided in section 15-342, paragraph 23.

37 11. Construct, improve and furnish buildings used for school purposes
38 when such buildings or premises are leased from the national park service.

39 12. Purchase school sites or construct, improve and furnish school
40 buildings from the proceeds of the sale of school property only on approval
41 by a vote of the district electors.

42 13. Hold pupils to strict account for disorderly conduct on school
43 property.

44 14. Discipline students for disorderly conduct on the way to and from
45 school.

1 15. Except as provided in section 15-1224, deposit all monies received
2 by the district as gifts, grants and devises with the county treasurer who
3 shall credit the deposits as designated in the uniform system of financial
4 records. If not inconsistent with the terms of the gifts, grants and devises
5 given, any balance remaining after expenditures for the intended purpose of
6 the monies have been made shall be used for reduction of school district
7 taxes for the budget year, except that in the case of accommodation schools
8 the county treasurer shall carry the balance forward for use by the county
9 school superintendent for accommodation schools for the budget year.

10 16. Provide that, if a parent or legal guardian chooses not to accept
11 a decision of the teacher as provided in section 15-521, paragraph 3, the
12 parent or legal guardian may request in writing that the governing board
13 review the teacher's decision. Nothing in this paragraph shall be construed
14 to release school districts from any liability relating to a child's
15 promotion or retention.

16 17. Provide for adequate supervision over pupils in instructional and
17 noninstructional activities by certificated or noncertificated personnel.

18 18. Use school monies received from the state and county school
19 apportionment exclusively for payment of salaries of teachers and other
20 employees and contingent expenses of the district.

21 19. Make an annual report to the county school superintendent on or
22 before October 1 each year in the manner and form and on the blanks
23 prescribed by the superintendent of public instruction or county school
24 superintendent. The board shall also make reports directly to the county
25 school superintendent or the superintendent of public instruction whenever
26 required.

27 20. Deposit all monies received by school districts other than student
28 activities monies or monies from auxiliary operations as provided in sections
29 15-1125 and 15-1126 with the county treasurer to the credit of the school
30 district except as provided in paragraph 21 of this subsection and sections
31 15-1223 and 15-1224, and the board shall expend the monies as provided by law
32 for other school funds.

33 21. Establish a bank account in which the board may during a month
34 deposit miscellaneous monies received directly by the district. The board
35 shall remit monies deposited in the bank account at least monthly to the
36 county treasurer for deposit as provided in paragraph 20 of this subsection
37 and in accordance with the uniform system of financial records.

38 22. Employ an attorney admitted to practice in this state whose
39 principal practice is in the area of commercial real estate, or a real estate
40 broker who is licensed by this state and who is employed by a reputable
41 commercial real estate company, to negotiate a lease of five or more years
42 for the school district if the governing board decides to enter into a lease
43 of five or more years as lessor of school buildings or grounds as provided
44 in section 15-342, paragraph 7 or 10. Any lease of five or more years
45 negotiated pursuant to this paragraph shall provide that the lessee is

1 responsible for payment of property taxes pursuant to the requirements of
2 section 42-11104.

3 23. Prescribe and enforce policies and procedures for disciplinary
4 action against a teacher who engages in conduct which is a violation of the
5 policies of the governing board but which is not cause for dismissal of the
6 teacher or for revocation of the certificate of the teacher. Disciplinary
7 action may include suspension without pay for a period of time not to exceed
8 ten school days. Disciplinary action shall not include suspension with pay
9 or suspension without pay for a period of time longer than ten school days.
10 The procedures shall include notice, hearing and appeal provisions for
11 violations which are cause for disciplinary action. The governing board may
12 designate a person or persons to act on behalf of the board on these matters.

13 24. Prescribe and enforce policies and procedures for disciplinary
14 action against an administrator who engages in conduct which is a violation
15 of the policies of the governing board regarding duties of administrators but
16 which is not cause for dismissal of the administrator or for revocation of
17 the certificate of the administrator. Disciplinary action may include
18 suspension without pay for a period of time not to exceed ten school days.
19 Disciplinary action shall not include suspension with pay or suspension
20 without pay for a period of time longer than ten school days. The procedures
21 shall include notice, hearing and appeal provisions for violations which are
22 cause for disciplinary action. The governing board may designate a person
23 or persons to act on behalf of the board on these matters. For violations
24 which are cause for dismissal, the provisions of notice, hearing and appeal
25 in chapter 5, article 3 of this title shall apply. The filing of a timely
26 request for a hearing suspends the imposition of a suspension without pay or
27 a dismissal pending completion of the hearing.

28 25. Notwithstanding section 13-3108, prescribe and enforce policies
29 and procedures that prohibit a person from carrying or possessing a weapon
30 on school grounds unless the person is a peace officer or has obtained
31 specific authorization from the school administrator.

32 26. Prescribe and enforce policies and procedures relating to the
33 health and safety of all pupils participating in district sponsored practice
34 sessions, games or other interscholastic athletic activities, including the
35 provision of water. A school district and its employees are immune from
36 civil liability for the consequences of the good faith adoption and
37 implementation of policies and procedures pursuant to this paragraph.

38 27. Prescribe and enforce policies and procedures regarding the
39 smoking of tobacco within school buildings. The policies and procedures
40 shall be adopted in consultation with school district personnel and members
41 of the community and shall state whether smoking is prohibited in school
42 buildings. If smoking in school buildings is not prohibited, the policies
43 and procedures shall clearly state the conditions and circumstances under
44 which smoking is permitted, those areas in a school building which may be

1 designated as smoking areas and those areas in a school building which may
2 not be designated as smoking areas.

3 28. Establish an assessment, data gathering and reporting system as
4 prescribed in chapter 7, article 3 of this title.

5 29. Provide special education programs and related services pursuant
6 to section 15-764, subsection A to all children with disabilities as defined
7 in section 15-761.

8 30. Administer competency tests prescribed by the state board of
9 education for the graduation of pupils from high school.

10 31. Secure insurance coverage for all construction projects for
11 purposes of general liability, property damage and workers' compensation and
12 secure performance and payment bonds for all construction projects.

13 32. Keep on file the resumes of all current and former employees who
14 provide instruction to pupils at a school. Resumes shall include an
15 individual's educational and teaching background and experience in a
16 particular academic content subject area. A school district shall inform
17 parents and guardians of the availability of the resume information and shall
18 make these available for inspection on request of parents and guardians of
19 pupils enrolled at a school. Nothing in this paragraph shall be construed
20 to require any school to release personally identifiable information in
21 relation to any teacher or employee including the teacher's or employee's
22 address, salary, social security number or telephone number.

23 33. Report to local law enforcement any suspected crimes against
24 persons or property and any incidents that could potentially threaten the
25 safety or security of pupils, teachers or administrators. A school district
26 and its employees are immune from liability for any good faith actions taken
27 in furtherance of this paragraph.

28 34. In conjunction with local law enforcement and local medical
29 facilities, develop an emergency response plan for each school in the school
30 district in accordance with minimum standards developed jointly by the
31 department of education and the division of emergency management within the
32 department of emergency and military affairs.

33 35. Annually assign at least one school district employee to
34 participate in a multihazard crisis training program developed or selected
35 by the governing board.

36 36. PROVIDE WRITTEN NOTICE TO THE PARENTS OR GUARDIANS OF ALL STUDENTS
37 AFFECTED IN THE SCHOOL DISTRICT AT LEAST THIRTY DAYS PRIOR TO A PUBLIC
38 MEETING TO DISCUSS CLOSING A SCHOOL WITHIN THE SCHOOL DISTRICT. THE NOTICE
39 SHALL INCLUDE THE REASONS FOR THE PROPOSED CLOSURE AND THE TIME AND PLACE OF
40 THE MEETING. THE GOVERNING BOARD SHALL FIX A TIME FOR A PUBLIC MEETING ON
41 THE PROPOSED CLOSURE NO LESS THAN THIRTY DAYS BEFORE VOTING IN A PUBLIC
42 MEETING TO CLOSE THE SCHOOL. THE SCHOOL DISTRICT GOVERNING BOARD SHALL GIVE
43 NOTICE OF THE TIME AND PLACE OF THE MEETING. AT THE TIME AND PLACE
44 DESIGNATED IN THE NOTICE, THE SCHOOL DISTRICT GOVERNING BOARD SHALL HEAR
45 REASONS FOR OR AGAINST CLOSING THE SCHOOL. THE SCHOOL DISTRICT GOVERNING

1 BOARD IS EXEMPT FROM THE PROVISIONS OF THIS PARAGRAPH IF IT IS DETERMINED BY
2 THE GOVERNING BOARD THAT THE SCHOOL SHALL BE CLOSED BECAUSE IT POSES A DANGER
3 TO THE HEALTH OR SAFETY OF THE PUPILS OR EMPLOYEES OF THE SCHOOL.

4 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
5 section, the county school superintendent may construct, improve and furnish
6 school buildings or purchase or sell school sites in the conduct of an
7 accommodation school.

8 C. If any school district acquires real or personal property, whether
9 by purchase, exchange, condemnation, gift or otherwise, the governing board
10 shall pay to the county treasurer any taxes on the property that were unpaid
11 as of the date of acquisition, including penalties and interest. The lien
12 for unpaid delinquent taxes, penalties and interest on property acquired by
13 a school district:

14 1. Is not abated, extinguished, discharged or merged in the title to
15 the property.

16 2. Is enforceable in the same manner as other delinquent tax liens.

17 D. The governing board may not locate a school on property that is
18 less than one-fourth mile from agricultural land regulated pursuant to
19 section 3-365, except that the owner of the agricultural land may agree to
20 comply with the buffer zone requirements of section 3-365. If the owner
21 agrees in writing to comply with the buffer zone requirements and records the
22 agreement in the office of the county recorder as a restrictive covenant
23 running with the title to the land, the school district may locate a school
24 within the affected buffer zone. The agreement may include any stipulations
25 regarding the school, including conditions for future expansion of the school
26 and changes in the operational status of the school that will result in a
27 breach of the agreement.

28 E. A school district's governing board members and its school council
29 members are immune from civil liability for the consequences of adoption and
30 implementation of policies and procedures pursuant to subsection A of this
31 section and section 15-342. This waiver does not apply if the school
32 district's governing board members or its school council members are guilty
33 of gross negligence or intentional misconduct.

34 F. A governing board may delegate in writing to a superintendent,
35 principal or head teacher the authority to prescribe procedures that are
36 consistent with the governing board's policies.

37 G. Notwithstanding any other provision of this title, a school
38 district governing board shall not take any action that would result in an
39 immediate reduction or a reduction within three years of pupil square footage
40 that would cause the school district to fall below the minimum adequate gross
41 square footage requirements prescribed in section 15-2011, subsection C,
42 unless the governing board notifies the school facilities board established
43 by section 15-2001 of the proposed action and receives written approval from
44 the school facilities board to take the action. A reduction includes an
45 increase in administrative space that results in a reduction of pupil square

1 footage or sale of school sites or buildings, or both. The sale of equipment
2 that results in an immediate reduction or a reduction within three years that
3 falls below the equipment requirements prescribed in section 15-2011,
4 subsection B is subject to commensurate withholding of school district
5 capital outlay revenue limit monies pursuant to the direction of the school
6 facilities board. Except as provided in section 15-342, paragraph 10,
7 proceeds from the sale of school sites, buildings or other equipment shall
8 be deposited in the school plant fund as provided in section 15-1102.

9 H. Subsections C through F of this section apply to a county board of
10 supervisors and a county school superintendent when operating and
11 administering an accommodation school.

12 Sec. 2. Section 15-342, Arizona Revised Statutes, is amended to read:
13 15-342. Discretionary powers

14 The governing board may:

15 1. Expel pupils for misconduct.

16 2. Exclude from grades one through eight children under six years of
17 age.

18 3. Make such separation of groups of pupils as it deems advisable.

19 4. Maintain such special schools during vacation as deemed necessary
20 for the benefit of the pupils of the school district.

21 5. Permit a superintendent or principal or representatives of the
22 superintendent or principal to travel for a school purpose, as determined by
23 a majority vote of the board. The board may permit members and members-elect
24 of the board to travel within or without the school district for a school
25 purpose and receive reimbursement. Any expenditure for travel and
26 subsistence pursuant to this paragraph shall be as provided in title 38,
27 chapter 4, article 2. The designated post of duty referred to in section
28 38-621 shall be construed, for school district governing board members, to
29 be the member's actual place of residence, as opposed to the school district
30 office or the school district boundaries. Such expenditures shall be a
31 charge against the budgeted school district funds. The governing board of
32 a school district shall prescribe procedures and amounts for reimbursement
33 of lodging and subsistence expenses. Reimbursement amounts shall not exceed
34 the maximum amounts established pursuant to section 38-624, subsection C.

35 6. Construct or provide in rural districts housing facilities for
36 teachers and other school employees which the board determines are necessary
37 for the operation of the school.

38 7. Sell or lease to the state, a county, a city or a tribal government
39 agency, any school property required for a public purpose, provided the sale
40 or lease of the property will not affect the normal operations of a school
41 within the school district.

42 8. Annually budget and expend funds for membership in an association
43 of school districts within this state.

44 9. Enter into leases or lease-purchase agreements for school buildings
45 or grounds, or both, as lessor or as lessee, for periods of less than five

1 years subject to voter approval for construction of school buildings as
2 prescribed in section 15-341, subsection A, paragraph 8.

3 10. Subject to chapter 16 of this title, sell school sites or enter
4 into leases or lease-purchase agreements for school buildings and grounds,
5 as lessor or as lessee, for a period of five years or more, but not to exceed
6 ninety-nine years, if authorized by a vote of the school district electors
7 in an election called by the governing board as provided in section 15-491,
8 except that authorization by the school district electors in an election is
9 not required if one of the following requirements is met:

10 (a) The market value of the school property is less than fifty
11 thousand dollars.

12 (b) The buildings and sites are completely funded with monies
13 distributed by the school facilities board.

14 (c) The transaction involves the sale of improved or unimproved
15 property pursuant to an agreement with the school facilities board in which
16 the school district agrees to sell the improved or unimproved property and
17 transfer the proceeds of the sale to the school facilities board in exchange
18 for monies from the school facilities board for the acquisition of a more
19 suitable school site. For a sale of property acquired by a school district
20 prior to July 9, 1998, a school district shall transfer to the school
21 facilities board that portion of the proceeds that equals the cost of the
22 acquisition of a more suitable school site. If there are any remaining
23 proceeds after the transfer of funds to the school facilities board, a school
24 district shall only use those remaining proceeds for future land purchases
25 approved by the school facilities board, or for capital improvements not
26 funded by the school facilities board for any existing or future facility.

27 (d) The transaction involves the sale of improved or unimproved
28 property pursuant to a formally adopted plan and the school district uses the
29 proceeds of this sale to purchase other property that will be used for
30 similar purposes as the property that was originally sold, provided that the
31 sale proceeds of the improved or unimproved property are used within two
32 years after the date of the original sale to purchase the replacement
33 property. If the sale proceeds of the improved or unimproved property are
34 not used within two years after the date of the original sale to purchase
35 replacement property, the sale proceeds shall be used towards payment of any
36 outstanding bonded indebtedness. If any sale proceeds remain after paying
37 for outstanding bonded indebtedness, or if the district has no outstanding
38 bonded indebtedness, sale proceeds shall be used to reduce the district's
39 primary tax levy. A school district shall not use the provisions of this
40 subdivision unless all of the following conditions exist:

41 (i) The school district is the sole owner of the improved or
42 unimproved property that the school district intends to sell.

43 (ii) The school district did not purchase the improved or unimproved
44 property that the school district intends to sell with monies that were
45 distributed pursuant to chapter 16 of this title.

(iii) The transaction does not violate section 15-341, subsection G.

11. Review the decision of a teacher to promote a pupil to a grade or retain a pupil in a grade in a common school or to pass or fail a pupil in a course in high school. The pupil has the burden of proof to overturn the decision of a teacher to promote, retain, pass or fail the pupil. In order to sustain the burden of proof, the pupil shall demonstrate to the governing board that the pupil has mastered the academic standards adopted by the state board of education pursuant to sections 15-701 and 15-701.01. If the governing board overturns the decision of a teacher pursuant to this paragraph, the governing board shall adopt a written finding that the pupil has mastered the academic standards. Notwithstanding title 38, chapter 3, article 3.1, the governing board shall review the decision of a teacher to promote a pupil to a grade or retain a pupil in a grade in a common school or to pass or fail a pupil in a course in high school in executive session unless a parent or legal guardian of the pupil or the pupil, if emancipated, disagrees that the review should be conducted in executive session and then the review shall be conducted in an open meeting. If the review is conducted in executive session, the board shall notify the teacher of the date, time and place of the review and shall allow the teacher to be present at the review. If the teacher is not present at the review, the board shall consult with the teacher before making its decision. Any request, including the written request as provided in section 15-341, the written evidence presented at the review and the written record of the review, including the decision of the governing board to accept or reject the teacher's decision, shall be retained by the governing board as part of its permanent records.

12. Provide transportation or site transportation loading and unloading areas for any child or children if deemed for the best interest of the district, whether within or without the district, county or state.

13. Enter into intergovernmental agreements and contracts with school districts or other governing bodies as provided in section 11-952.

14. Include in the curricula which it prescribes for high schools in the school district vocational and technological education programs and vocational and technological program improvement services for the high schools, subject to approval by the state board of education. The governing board may contract for the provision of vocational and technological education as provided in section 15-789.

15. Suspend a teacher or administrator from his duties without pay for a period of time of not to exceed ten school days, if the board determines that suspension is warranted pursuant to section 15-341, subsection A, paragraphs 23 and 24.

16. Dedicate school property within an incorporated city or town to such city or town or within a county to that county for use as a public right-of-way if both of the following apply:

1 (a) Pursuant to an ordinance adopted by such city, town or county,
2 there will be conferred upon the school district privileges and benefits
3 which may include benefits related to zoning.

4 (b) The dedication will not affect the normal operation of any school
5 within the district.

6 17. Enter into option agreements for the purchase of school sites.

7 18. Donate surplus or outdated learning materials to nonprofit
8 community organizations where the governing board determines that the
9 anticipated cost of selling the learning materials equals or exceeds the
10 estimated market value of the materials.

11 19. Prescribe policies for the assessment of reasonable fees for
12 students to use district-provided parking facilities. The fees are to be
13 applied by the district solely against costs incurred in operating or
14 securing the parking facilities. Any policy adopted by the governing board
15 pursuant to this paragraph shall include a fee waiver provision in
16 appropriate cases of need or economic hardship.

17 20. Establish alternative educational programs that are consistent with
18 the laws of this state to educate pupils, including pupils who have been
19 reassigned pursuant to section 15-841, subsection E or F.

20 21. Require a period of silence to be observed at the commencement of
21 the first class of the day in the schools. If a governing board chooses to
22 require a period of silence to be observed, the teacher in charge of the room
23 in which the first class is held shall announce that a period of silence not
24 to exceed one minute in duration will be observed for meditation, and during
25 that time no activities shall take place and silence shall be maintained.

26 22. Require students to wear uniforms.

27 23. Exchange unimproved property or improved property, including school
28 sites, where the governing board determines that the improved property is
29 unnecessary for the continued operation of the school district without
30 requesting authorization by a vote of the school district electors if the
31 governing board determines that the exchange is necessary to protect the
32 health, safety or welfare of pupils or when the governing board determines
33 that the exchange is based on sound business principles for either:

34 (a) Unimproved or improved property of equal or greater value.

35 (b) Unimproved property that the owner contracts to improve if the
36 value of the property ultimately received by the school district is of equal
37 or greater value.

38 24. For common and high school pupils, assess reasonable fees for
39 optional extracurricular activities and programs conducted when the common
40 or high school is not in session, except that no fees shall be charged for
41 pupils' access to or use of computers or related materials. For high school
42 pupils, the governing board may assess reasonable fees for fine arts and
43 vocational education courses and for optional services, equipment and
44 materials offered to the pupils beyond those required to successfully
45 complete the basic requirements of any other course, except that no fees

1 shall be charged for pupils' access to or use of computers or related
2 materials. Fees assessed pursuant to this paragraph shall be adopted at a
3 public meeting after notice has been given to all parents of pupils enrolled
4 at schools in the district and shall not exceed the actual costs of the
5 activities, programs, services, equipment or materials. The governing board
6 shall authorize principals to waive the assessment of all or part of a fee
7 assessed pursuant to this paragraph if it creates an economic hardship for
8 a pupil. For the purposes of this paragraph, "extracurricular activity"
9 means any optional, noncredit, educational or recreational activity which
10 supplements the education program of the school, whether offered before,
11 during or after regular school hours.

12 25. Notwithstanding section 15-341, subsection A, paragraphs 8 and 10,
13 construct school buildings and purchase or lease school sites, without a vote
14 of the school district electors, if the buildings and sites are totally
15 funded from one or more of the following:

16 (a) Monies in the unrestricted capital outlay fund, except that the
17 estimated cost shall not exceed two hundred fifty thousand dollars for a
18 district that utilizes the provisions of section 15-949.

19 (b) Monies distributed from the school facilities board established
20 by section 15-2001.

21 (c) Monies specifically donated for the purpose of constructing school
22 buildings.

23 Nothing in this paragraph shall be construed to eliminate the requirement for
24 an election to raise revenues for a capital outlay override pursuant to
25 section 15-481 or a bond election pursuant to section 15-491.

26 26. Conduct a background investigation that includes a fingerprint
27 check conducted pursuant to section 41-1750, subsection G for certificated
28 personnel and personnel who are not paid employees of the school district,
29 as a condition of employment. A school district may release the results of
30 a background check to another school district for employment purposes. The
31 school district may charge the costs of fingerprint checks to its
32 fingerprinted employee, except that the school district may not charge the
33 costs of fingerprint checks for personnel who are not paid employees of the
34 school district.

35 27. Sell advertising space on the exterior of school buses as follows:

36 (a) Advertisements shall be age appropriate and not contain promotion
37 of any substance that is illegal for minors such as alcohol, tobacco and
38 drugs or gambling. Advertisements shall comply with the state sex education
39 policy of abstinence.

40 (b) Advertising approved by the governing board may appear only on the
41 sides of the bus in the following areas:

42 (i) The signs shall be below the seat level rub rail and not extend
43 above the bottom of the side windows.

1 (ii) The signs shall be at least three inches from any required
2 lettering, lamp, wheel well or reflector behind the service door or stop
3 signal arm.

4 (iii) The signs shall not extend from the body of the bus so as to
5 allow a handhold or present a danger to pedestrians.

6 (iv) The signs shall not interfere with the operation of any door or
7 window.

8 (v) The signs shall not be placed on any emergency doors.

9 (c) Establish a school bus advertisement fund that is comprised of
10 revenues from the sale of advertising space on school buses. The monies in
11 a school bus advertisement fund are not subject to reversion and shall be
12 used for the following purposes:

13 (i) To comply with the energy conservation measures prescribed in
14 section 15-349 in school districts that are in area A as defined in section
15 49-541, and any remaining monies shall be used to purchase alternative fuel
16 support vehicles and any other pupil related costs as determined by the
17 governing board.

18 (ii) For any pupil related costs as determined by the governing board
19 in school districts not subject to the provisions of item (i) of this
20 subdivision.

21 28. Assess reasonable damage deposits to pupils in grades seven
22 through twelve for the use of textbooks, musical instruments, band uniforms
23 or other equipment required for academic courses. The governing board shall
24 adopt policies on any damage deposits assessed pursuant to this paragraph at
25 a public meeting called for this purpose after providing notice to all
26 parents of pupils in grades seven through twelve in the school district.
27 Principals of individual schools within the district may waive the damage
28 deposit requirement for any textbook or other item if the payment of the
29 damage deposit would create an economic hardship for the pupil. The school
30 district shall return the full amount of the damage deposit for any textbook
31 or other item if the pupil returns the textbook or other item in reasonably
32 good condition within the time period prescribed by the governing board. For
33 the purposes of this paragraph, "in reasonably good condition" means the
34 textbook or other item is in the same or a similar condition as it was when
35 the pupil received it, plus ordinary wear and tear.

36 29. NOTWITHSTANDING SECTION 15-1105, EXPEND SURPLUS MONIES IN THE
37 CIVIC CENTER SCHOOL FUND FOR MAINTENANCE AND OPERATIONS OR UNRESTRICTED
38 CAPITAL OUTLAY, IF SUFFICIENT MONIES ARE AVAILABLE IN THE FUND AFTER MEETING
39 THE NEEDS OF PROGRAMS ESTABLISHED PURSUANT TO SECTION 15-1105.

40 30. NOTWITHSTANDING SECTION 15-1143, EXPEND SURPLUS MONIES IN THE
41 COMMUNITY SCHOOL PROGRAM FUND FOR MAINTENANCE AND OPERATIONS OR UNRESTRICTED
42 CAPITAL OUTLAY, IF SUFFICIENT MONIES ARE AVAILABLE IN THE FUND AFTER MEETING
43 THE NEEDS OF PROGRAMS ESTABLISHED PURSUANT TO SECTION 15-1142.

1 Sec. 3. School district unification and consolidation
2 commission; membership; duties

3 A. The school district unification and consolidation commission is
4 established consisting of the following members:

5 1. Three members of the house of representatives, no more than two of
6 whom are members of the same political party, who are appointed by the
7 speaker of the house of representatives.

8 2. Three members of the senate, no more than two of whom are members
9 of the same political party, who are appointed by the president of the
10 senate.

11 3. The superintendent of public instruction or the superintendent's
12 designee.

13 4. The executive director of the school facilities board or the
14 executive director's designee.

15 5. One member of an organization that represents taxpayers in this
16 state who is appointed by the speaker of the house of representatives.

17 6. One member who has expertise in school finance and who is appointed
18 by the president of the senate.

19 7. One member who has expertise in demographics and who is appointed
20 by the speaker of the house of representatives.

21 8. One member who is employed as a teacher in a school district in
22 this state and who is appointed by the president of the senate.

23 9. One member who is an elected school district governing board member
24 of a school district that qualifies for the small school adjustment
25 prescribed in section 15-949, Arizona Revised Statutes, and who is appointed
26 by the speaker of the house of representatives.

27 10. One member who is an elected school district governing board
28 member of a unified school district and who is appointed by the president of
29 the senate.

30 11. One member who is a superintendent of a common school district and
31 who is appointed by the speaker of the house of representatives.

32 12. One member who is a superintendent of a union high school district
33 and who is appointed by the president of the senate.

34 13. One member who is a county school superintendent and who is
35 appointed by the speaker of the house of representatives.

36 14. One member who is the parent of a child enrolled in a kindergarten
37 program or any grade one through eight in a school district in this state and
38 who is appointed by the president of the senate.

39 15. One member who is the parent of a child enrolled in any grade nine
40 through twelve in a school district in this state and who is appointed by the
41 speaker of the house of representatives.

42 B. The commission shall elect a chairperson and a cochairperson from
43 the members. A quorum shall consist of a majority of the members.

44 C. The commission shall:

1 1. Study the costs and benefits of unification or consolidation of
2 school districts, or both, including any potential savings associated with
3 a reduction in administrative personnel.

4 2. Examine various models for unification or consolidation of school
5 districts, or both, taking into consideration the demographics of this state
6 and academic research regarding the optimal size of school districts.

7 3. Examine the impact of school district unification and
8 consolidation, or both, on each of the following:

9 (a) School district taxes and indebtedness.

10 (b) Academic curricula.

11 (c) Special services.

12 (d) School facilities.

13 (e) School personnel.

14 (f) Transportation of pupils.

15 (g) School district governance and elections.

16 (h) Desegregation orders and agreements.

17 (i) Extracurricular activities.

18 4. Submit a report that summarizes its findings and recommendations,
19 including any proposed legislation for introduction in the forty-sixth
20 legislature, second regular session, to the governor, the president of the
21 senate and the speaker of the house of representatives on or before November
22 15, 2003. A copy of this report shall be delivered to the secretary of state
23 and the director of the Arizona state library, archives and public records.

24 Sec. 4. Delayed repeal

25 Section 3 of this act, relating to the school district unification and
26 consolidation commission, is repealed from and after December 31, 2003.

APPROVED BY THE GOVERNOR MAY 29, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2002.

Passed the House April 25, 2002.

Passed the Senate March 25, 2002.

by the following vote: 33 Ayes,

by the following vote: 23 Ayes,

21 Nays, 6 Not Voting

6 Nays, 1 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1180

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 20, 2002,

by the following vote: 37 Ayes,

21 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 16, 2002

by the following vote: 16 Ayes,

13 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 21 day of May, 2002

at 10:21 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 29 day of

May, 2002,

at 11:25 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29 day of May, 2002,

at 3:41 o'clock P M.

[Signature]
Secretary of State

S.B. 1180